

Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal. No claims have been amended. No claims have been cancelled. Therefore, claims 1-23 are presented for examination.

Claims 1-23 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 4-10, 16-22 and 30-36 of co-pending Application No. 10/028,467. Applicant submits that a terminal disclaimer in compliance with 37 CFR 1.321(c) will be filed upon resolution of the prior art rejections.

Claims 1-4 and 7-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Souissi et al. (U.S. Patent No. 6,785,556) in view of Watanabe et al. (U.S. Pub. No. 2002/0144134). Applicant submits that the present claims are patentable over Souissi in view of Watanabe.

Souissi discloses a software configurable wireless modem that can be configured using software downloaded by a host computer. A user can select a preferred mode of operation, or mode selection can be done automatically based upon whether one or more predetermined criterion, such as a location of the modem, are met. See Souissi at Abstract. However, Souissi does not disclose or suggest a process of certifying a software radio application. In fact, the Office Action admits that Souissi does not disclose certifying a software radio. See Final Office Action at page 3, paragraph 5. Instead, the Office Action asserts that Watanabe discloses such a feature. *Id.*

Watanabe discloses a software defined radio and an approval system of a radio which can flexibly cope with specification alteration. A software defined radio includes storage for holding transmission and reception characteristic information serving as a specification criterion, and a control unit for comparing a measured value obtained from a

measurement circuit with the information of the specification criterion and conducting setting of the radio so as to satisfy the specification. See Watanabe at Abstract.

Claim 1 of the present application recites:

A method comprising:
receiving a first identification (ID) at a computer system from a server via a transmission medium;
comparing the first ID with a second ID stored at a first analog front end coupled to the computer system;
and
certifying a first software-defined radio for operation if the first ID matches the second ID.

Applicant submits that nowhere in Watanabe is there disclosed or suggested a process of comparing a first ID with a second ID stored at a first analog front end coupled to a computer system and certifying a first software-defined radio for operation if the first ID matches the second ID. The Examiner maintains that:

. . . Watanabe clear teaches to add a digital signature to software to be distributed for the purpose of encryption and falsification inspection ([0061]) so that one of ordinary skill in the art would recognize a process of comparing a received digital signature with a stored digital signature in order to certifying a first defined radio for operation.

See Final Office Action at page 9, paragraph 7.

Applicant submits that the passage in Watanabe relied on by the Examiner describes an encryption process, not a certification process. As discussed in applicant's specification, certification involves approving a radio device for a specific set of technical parameters. Thus, applicant respectfully submits that the Examiner's assertion that digital signature encryption is equivalent to certification if a first ID matches a second ID is invalid. Further, the Examiner asserts that:

Watanabe also teaches to compare a measured value (read as a second ID) obtained from a measurement circuit with information of the specification criterion (read as a first ID) from a server (100, figure 13) via a transmission medium, and to approve the software

defined radio operation for operation if the first ID matches the second ID ([0063]).

Id.

Applicant respectfully disagrees with the Examiner's interpretation of the Watanabe reference. Paragraph [0063] relied on by the Examiner describes:

. . . a measurement circuit for measuring the transmission and reception characteristic, a transmission antenna, and a control unit for comparing a measured value obtained from the measurement circuit with information of the specification criterion, and conducting setting of the radio so as to satisfy the specification. When downloading software for implementing a new specification to the radio and conducting resetting, therefore, it can assure that the transmission power satisfy the specification criterion on the basis of a measurement result of an individual radio characteristic.

Applicant submits that nowhere in paragraph [0063] is there disclosed receiving an ID and comparing the received ID with a stored ID, nor a process of certifying the software-defined radio if there is a match. Instead, what is disclosed is using stored measurements to effectively tune the radio according to specified criteria, which is not equivalent to receiving an ID and comparing the received ID with a stored ID.

Since neither Souissi nor Watanabe disclose or suggest certifying a first software-defined radio for operation if a first ID matches a second ID, any combination of Souissi and Watanabe would also not disclose or suggest such a feature. As a result, claim 1 is patentable over Souissi in view of Watanabe.

Claims 2-7 depend from claim 1 and include additional features. Thus, claims 2-7 are also patentable over Souissi in view of Watanabe.

Claim 8 recites a first software-defined radio being certified for operation by authenticating a first identification (ID) received at a baseband unit with a second ID stored at a first analog front end. For the reasons described above with respect to claim 1, claim 8 is also patentable over Souissi in view of Watanabe. Because claims 9-16 depend

from claim 8 and include additional features, claims 9-16 are also patentable over Souissi in view of Watanabe.

Claim 17 recites a server computer that transmits first identification (ID) data to a first client computer upon receiving a request from the client computer to certify a first software-defined radio implemented at the first client computer. Thus, for the reasons described above with respect to claim 1, claim 17 is also patentable over Souissi in view of Watanabe. Since claims 18 and 19 depend from claim 17 and include additional features, claims 18 and 19 are also patentable over Souissi in view of Watanabe.

Claim 20 recites receiving a request at a server computer to certify a first software-defined radio implemented at a first client computer and transmitting first identification (ID) data corresponding to the first software-defined radio to the first client computer. Applicant submits that nowhere in Souissi or Watanabe is there disclosed or suggested a server computer receiving a request to certify a first software-defined radio implemented at a first client computer and transmitting first identification (ID) data corresponding to the first software-defined radio to the first client computer.

The Examiner asserts that:

. . . Watanabe teaches the radio specifies the ID and transmits a downloading request to a server so that the server receives the request for certifying a first software defined radio ([0059]).

See Final Office Action at page 9, paragraph 7.

Applicant again disagrees with the Examiner's interpretation of the Watanabe reference. Applicant submits that paragraph [0059] relied on by the Examiner discloses the transmission of a request to a server to download software corresponding to an ID transmitted along with the request. In response, the server transmits the requested software. Further, there is no disclosure of an ID transmitted with the software.

Consequently, claim 20 is patentable over Souissi in view of Watanabe. Since claims 21-23 depend from claim 20 and include additional features, claims 21-23 are also patentable

over Souissi in view of Watanabe.

Claims 5-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Souissi in view Watanabe, and further in view of Paulsen et al. (U.S. Patent No. 6,055,575). Applicant submits that the present claims are patentable over Souissi and Watanabe even in view of Paulsen.

Paulsen discloses a system and method for remote users to access a private network having a first communications protocol via a public network in a secure manner so that the remote user appears to be connected directly to the private network and appears to be a node on that private network. A host connected to the private network may execute a host software application which establishes and provides a communications path for secure access of the remote client computer. An encrypted data stream may be communicated between the host and the client representing traffic and commands on the network. See Paulsen at Abstract.

Nevertheless, Paulsen does not disclose a process of certifying a software-defined radio. As discussed above, neither Souissi nor Watanabe disclose or suggest certifying a first software-defined radio for operation. Since Souissi, Watanabe and Paulsen individually do not disclose or suggest certifying a first software-defined radio for operation, any combination of Souissi, Watanabe and Paulsen also would not disclose or suggest such a feature. Consequently, the present claims are patentable over Souissi and Watanabe in view of Paulsen.

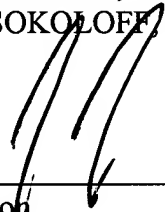
Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 9, 2006



Mark L. Watson
Reg. No. 46,322

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980